IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 21731 OF 2005

Date: 05.10.2005

BETWEEN:

1. A. Amaresh and others

…. PETITIONERS

And

1. The Municipal Corporation of Hyderabad rep. by its Commissioner, Tank Bund Road, Hyderabad, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 21731 OF 2005

ORDER:

The petitioners are the owners of premises bearing Nos.8-3-164/2, 8-3-164/1, 8-3-165/2 & 8-3-165/1. The Municipal Corporation of Hyderabad (MCH), the first respondent herein proposed to widen the road from S.R. Nagar Junction to Erragadda to 150 ft. road. In the process an extent of about 360 Sq. yards of petitioners' land would be affected. Therefore, the MCH by communication dated 25.6.2005 addressed the second respondent, sought cooperation in handing over advance possession of the land, promising that the MCH would allow concessions as per G.O.Ms.No.483, dated 24.8.1998. The petitioners are willing to give their consent. In the meanwhile, when the officials of the municipality appear to have conducted survey of the property, apprehending coercive action in demolishing the structures, the petitioners filed present the writ petition.

Heard learned counsel for the petitioner and learned Standing Counsel for MCH. As

the petitioners are not willing to give their consent to part with their land, the learned Standing Counsel would submit that the MCH would initiate necessary action under Section 147 of the Hyderabad Municipal Corporation Act, 1955 and acquire the land of the petitioners in accordance with law. In view of the same, the Writ Petition is disposed of at the admission stage observing that unless and until the petitioners' land/property is acquired in accordance with law, the MCH is not entitled to take any coercive steps against the petitioners property, nor can demolish the structures.

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(**V.V.S. RAO, J.)**

5th October, 2005

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